

**The Regional Municipality of York
Police Services Board**

Public Board Meeting
March 20, 2023

Report of the Chief of Police

**Collection of Identifying Information in Certain Circumstances
(Street Checks)**

1. Recommendation

That the Board receive this annual report pursuant to Board Policy 01/16 Collection of Identifying Information in Certain Circumstances – Prohibition and Duties.

2. Summary

This report will provide an overview of reporting requirements under the Ontario Regulation 58/16: Collection of Identifying Information in Certain Circumstances – Prohibitions and Duties (Regulation 58/16), and outline Street Check submissions made by York Regional Police in 2022. There were no submissions made to the Records Management System's Street Check Module in 2022. Consequently, no analysis was required to ensure interactions were unbiased and non-discriminatory.

3. Background

On January 1, 2017, Regulation 58/16 came into effect setting new standards for voluntary police-public interactions. Regulation 58/16 prohibits police officers from arbitrarily stopping and requesting identifying information from a member of the public.

Regulation 58/16 applies when a police officer asks an individual to identify themselves for the purpose of looking into suspicious activities, gathering intelligence or investigating general criminal activity in the community.

Officers are required to submit a Street Check into the Records Management System when they collect, or attempt to collect, identifying information from an individual, if it is for the purposes of:

1. inquiring into offences that had been or might be committed in the absence of a reasonable suspicion;
2. inquiring into suspicious activities to detect offences in the absence of a reasonable suspicion; and/or
3. gathering information for intelligence purposes

Notwithstanding the above, an interaction is not a regulated Street Check, if:

1. the individual is required by statute to identify themselves (e.g. traffic stop);
2. the individual is under arrest, physically or psychologically detained;
3. the officer is executing a warrant; or
4. the officer is investigating a specific crime

All Street Checks submitted to the Records Management System are reviewed by the Street Check verifier within the Diversity, Equity and Inclusion Bureau. The Street Check verifier is designated by the Chief of Police to ensure that the interactions are not bias-based or racially motivated.

When an officer submits a Street Check to the Records Management System's Street Check Module, the Diversity, Equity and Inclusion Bureau verifier determines whether the submission is a regulated interaction with a member of the public as outlined in Regulation 58/16. Street Checks are also assessed for compliance with internal procedures and to determine whether the records submitted will be accessible or remain private.

4. Analysis

AUDIT RESULTS

Regulation 58/16 requires the Chief to report whether the collection of, or attempts to collect, identifying information from individuals were disproportionately representative of a specific racialized group, sex, age or any combination thereof.

The following represents audit results of officer submissions to the Street Check Module of the Records Management System.

Submissions made to the Street Check Module and their designation

There were no submissions determined to be Street Checks in Accordance with Regulation 58/16. Three submissions were made to the Street Check Module, but none were determined to be Street Checks as defined in Regulation 58/16.

Approved and Restricted Street Checks

An approved Street Check is a submission made to the Street Check Module that was determined by the Street Check verifier to have complied with Regulation 58/16. However, not all approved Street Checks are accessible by members. York Regional Police has a number of administrative criteria that must be met before the Street Check is approved for all members to view.

A submission to the Street Check Module that does not comply with Regulation 58/16 or York Regional Police Procedure LE-389 Street Checks is restricted from view to all members unless the Chief of Police approves access. A restricted Street Check may or may not comply with Regulation 58/16, in addition to failing to satisfy the administrative criteria set by York Regional Police.

In the interest of transparency, a decision was made not to amend or edit any submissions made to the Street Check Module; therefore, Street Checks restricted for administrative errors are unedited and not available for viewing. Officers are provided with feedback on each submission to assist them when making future submissions.

The audit did not identify any Street Checks restricted for non-compliance with Regulation 58/16. Street Checks restricted for administrative errors (i.e. a submission made contrary to the criteria set out in York Regional Police Procedure LE-389 Street Checks) include those that contained more than one person per submission or failure to include the required text pages. No Street Checks were restricted for administrative errors.

When a submission should have been made elsewhere in the Records Management System, the submitting officer is notified where it should have been submitted and directed to do so; for example, a warning issued for a provincial offence should be submitted to the Ticket Module of the Records Management System and not the Street Check Module.

Duty to Inform Before Collecting Information

An Officer is not required to inform an individual why they are attempting to collect their identifying information if it:

1. would likely compromise an on-going police investigation;
2. might allow a confidential informant to be identified; or
3. might disclose the identity of a person contrary to the law, including disclosing the identity of a young person contrary to the *Youth Criminal Justice Act*

Duty to Provide a Receipt

An officer who collects, or attempts to collect, identifying information from an individual shall offer a receipt that provides a record of the collection, or attempted collection.

Sex Analysis

Regulation 58/16 requires that officers record, and include in their Street Check submission, the perceived sex of the individual from whom they have collected, or attempted to collect, identifying information. It also requires the Chief of Police to determine if any particular sex is disproportionately represented in the submissions and, if so, to investigate and provide an explanation for the disproportionate representation.

Age Analysis

Regulation 58/16 requires that officers record, and include in their Street Check submission, the perceived age of the individual from whom they have collected, or attempted to collect, identifying information. It also requires the Chief of Police to determine if any particular age group is disproportionately represented in the submissions and, if so, to investigate and provide an explanation for the disproportionate representation.

Racialized Group Analysis

Regulation 58/16 requires that officers record, and include in their Street Check submission, the perceived racialized group of the individual from whom they have collected, or attempted to collect, identifying information. It also requires the Chief of Police to determine if any particular racialized group is disproportionately represented in the submissions and, if so, to investigate and provide an explanation for the disproportionate representation. York Regional Police bases the list of racialized groups on the 2016 National Household Survey as provisioned for in Regulation 58/16.

REGULATION REQUIREMENTS

Mandatory Refresher Training

In accordance with Section 11 of Regulation 58/16, officers shall complete the mandatory Street Check refresher training within 36 months of their initial training. York Regional Police completed the mandatory training in 2020 and provides a mandatory online refresher course every 36 months. All members are required to complete the mandatory refresher courses in 2023. As of February 28, 98% of YRP members have completed the mandatory training for 2023.

Restricted Database Access

Access to Street Checks that were restricted is limited to designated work areas and members in accordance with York Regional Police Procedure LE-389 Street Checks. Access to the restricted Street Checks is recorded on a Street Check Access Text Page for mandatory reporting in accordance with Regulation 58/16.

5. Financial

There are no financial implications.

6. Conclusion

There were no Street Checks in 2022 and therefore, no requirement for analysis to ensure unbiased and non-discriminatory interactions for further disclosure on behalf of the Chief of Police. York Regional Police is committed to ensuring all of our activities are conducted free of bias and discrimination and to provide the community with inclusive and equitable policing services.

Accessible formats or communication supports are available upon request

Jim MacSween, M.O.M., B.A.A.
Chief of Police

JMS/ac